

Ajay

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO. 8437 OF 2019**

Haribhau Eknath Yadav and Ors. .. Petitioners

**Versus**

The State of Maharashtra  
Through Secretary, Revenue and Forest  
Department and Ors. .. Respondents

- .....
- Mr. Vishal Kanade a/w. Mr. Bhalchandra Shinde, Advocates for Petitioners.
  - Mr. Y.D. Patil, AGP for the Respondents – State.
  - Ms. Shubhangi D. Lonkar, Range Forest Officer, Baramati present.
- .....

**CORAM : MILIND N. JADHAV, J.**

**DATE : MARCH 01, 2024.**

**P.C.:**

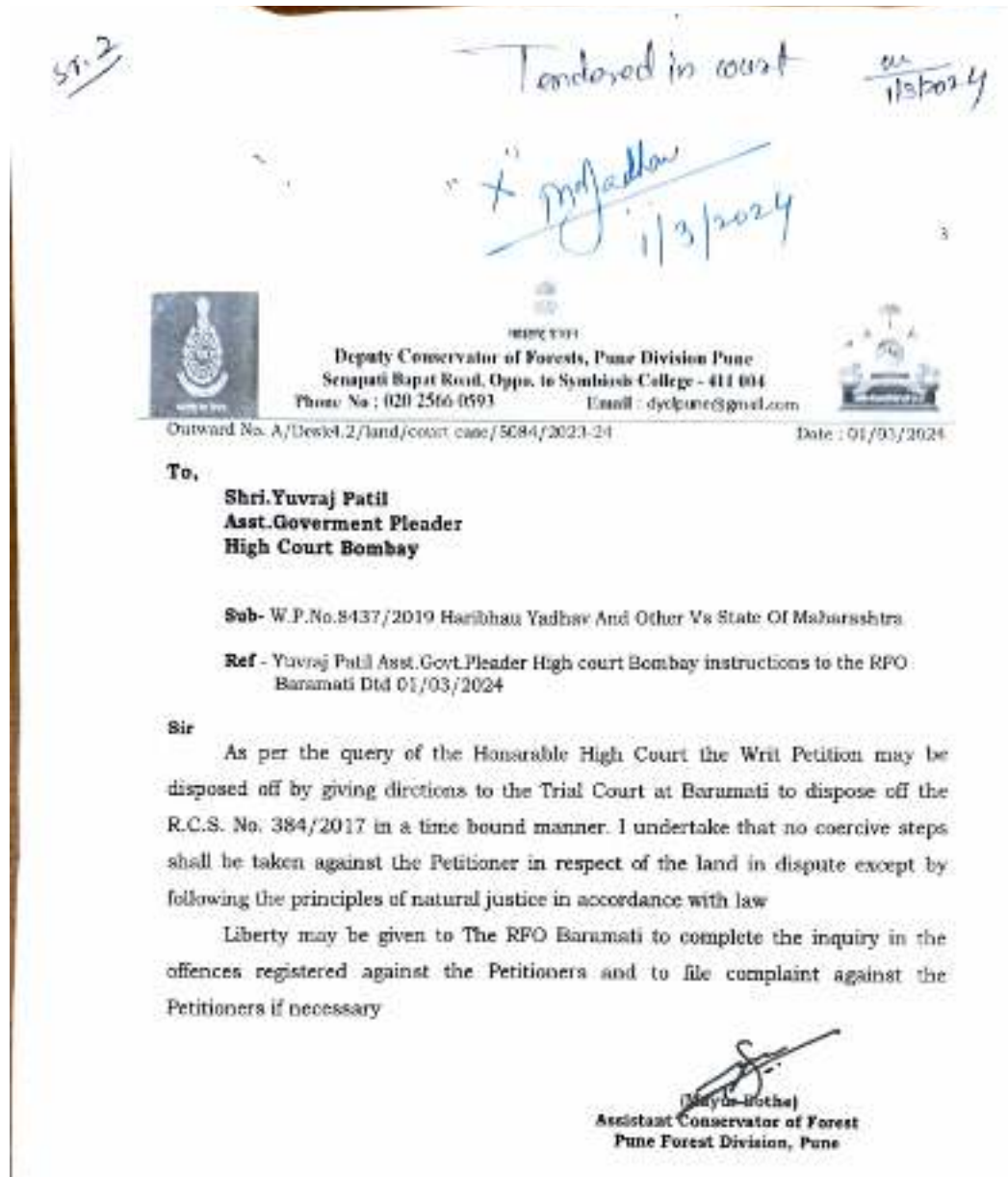
**1.** Heard Mr. Kanade, learned Advocate for Petitioners and Mr. Patil, learned AGP for Respondents.

**2.** Today, when the matter is called out and more specifically pursuant to the directions contained in this Court's order dated 16.02.2024, the Assistant Conservator of Forest Pune Forest Division, Pune on behalf of the Deputy Conservator of Forests, Pune Division Pune has addressed a letter dated 01.03.2024 to the Assistant Government Pleader Mr. Yuvraj Patil undertaking therein that the Respondents are agreeable to the disposal of the Writ Petition if a direction is given by this Court to the learned Trial Court at Baramati

to adjudicate and finally decide the Suit proceedings in a time bound manner and a further undertaking given to the effect that no coercive steps shall be taken against the Petitioners by the Respondents in respect of the Suit land except by following the due process of law, as I read it. This is however explicitly made clear to the Respondents.

**3.** Though the Respondents have sought liberty to be given to the Range Forest Officer, Baramati to conclude enquiry in the offences registered against the Petitioners and more specifically in 1 FIR and 6 PORs to which my attention was drawn to on the previous date, no such liberty from this Court is required to the Respondents, its functionaries and officers as they shall follow their public duty and carry out their public duty strictly in accordance with law by following the due process of law as the case may be.

**4.** In view of the above, it is directed that the ad-interim order and directions contained in the order dated 16.02.2024 shall remain continued for a further period of 9 months from today as this Court is directing the learned Trial Court to adjudicate and decide the Suit proceedings being Regular Civil Suit No.384 of 2017 finally within a period of 9 months from today. The said letter dated 01.03.2024 is taken on record and marked “X” for identification. For ease of reference and convenience, the letter dated 01.03.2024 is scanned and reproduced below:-



5. Two Affidavits-in-Rejoinder dated 29.02.2024 of the Petitioners are taken on record as directed by this Court on the previous date. It is clarified that the Trial Court shall not be influenced by any of the observations and findings returned in the impugned order for determination of the trial and therefore the impugned order is stayed till the decision in the Suit proceedings is arrived at.

- 6.** Hence parties are also directed to ensure that they shall not take any unnecessary adjournments before the learned Trial Court.
- 7.** It is clarified that the learned Trial Court shall not grant any unnecessary adjournments to the parties unless they are utmost necessary due to any emergency / exigency.
- 8.** Parties assure this Court that they shall cooperate with the Trial Court for expeditious disposal of the Suit proceedings in accordance with law by following the due process of law.
- 9.** Needless to state that all contentions of both the parties are expressly kept open.
- 10.** With the above directions, Writ Petition is disposed.

[ MILIND N. JADHAV, J. ]

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Digitally signed by  
AJAY TRAMBAK  
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Date: 2024.03.04  
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